Procedure for Dividing Property

9.030 *Minor and Major Partition Tentative Plan Procedure.*

(1) *Tentative Minor and Major Partition Plan – Application.* An application and related information prescribed by the city as required for minor and major partition tentative plan approval shall be submitted for all contiguous property under the same ownership by the person proposing the tentative plan, together with a fee set by the city manager as provided by section 2.020 of this code.

(2) *Tentative Minor and Major Partition Plan – Review by Other Departments and Agencies.* Within five days after a complete and accurate tentative partition plan application is received, copies shall be distributed to appropriate agencies and departments for review, comments and recommendations. If a written response or extension request is not received within 15 days, the proposal shall be assumed to be acceptable as submitted.

(3) *Tentative Major Partition Plan – Notice to Other Properties.* Within ten days of receipt of a complete and accurate application but no less than ten days before the planning director makes a decision, notice of the major partition request shall be mailed to owners and occupants of property located within 100 feet of the perimeter of the subject property.

(4) *Tentative Minor and Major Partition Plan – Planning Director Decision.* Unless the applicant agrees to a longer time period, the planning director shall approve, conditionally approve, or deny a tentative partition plan application with findings and conclusions thereon, within 30 days of receipt of a complete and accurate application.

The planning director's decision shall be based on the following criteria:

(a) In the case of a major or minor partition, that the proposed partition will comply with all applicable platting standards of this chapter.

(b) In the case of a major partition, that:

1. Approval does not impede or adversely affect the safe and healthful development of any adjoining land or access thereto;

2. The proposed partition will be consistent with applicable adopted plans.

3. The proposed partition will not cause unreasonable street congestion, risk of fire, flood, geological hazards, pollution, or similar dangers, hamper adequate provision for transportation, water supply, sewage disposal, drainage, education, recreation, and other public services and facilities or result in inadequate light and air or overcrowding of land.

4. Streets and roads are laid out so as to provide for the extension of streets to adjoining undeveloped properties and provide for eventual connection with the existing public street system as specifically required by the street connectivity standards of section 9.045 of this code. The planning director shall permit private streets or roads only upon finding that the developer has demonstrated that a public street is not necessary for compliance with this code and the street connectivity standards of section 9.045.

5. The proposed major partition is laid out to provide safe, convenient, and direct bicycle and pedestrian access to and from nearby and

adjacent residential areas, transit stops, neighborhood activity centers, commercial areas, and industrial areas, and to provide safe, convenient and direct transit circulation. At a minimum, "nearby" is interpreted to mean uses within 1/4 mile which can reasonably be expected to be used by pedestrians, and uses within one to two miles which can be reasonably expected to be used by bicyclists.

(5) *Tentative Minor and Major Partition Plan – Notice of Decision.* Within five days after the planning director renders a decision, the city shall mail notice of the decision to the applicant, persons who have requested notification, and persons who were entitled to receive notice of the applicant's request under subsection (3) of this section. The notice shall summarize the decision and inform of the opportunity to appeal the decision in the manner provided in subsection (7) of this section.

(6) *Tentative Minor and Major Partition Plan – Effective Date and Expiration.* Unless appealed, the planning director's decision is effective on the eleventh day after notice of the decision is mailed under subsection (5) of this section. The applicant may then proceed with final surveying and preparation for approval consideration of the minor or major partition plat. Tentative plan approval shall be effective for one year, within which time the application and minor or major partition plat must be submitted. Otherwise, the entire procedure must be repeated for consideration in light of changed conditions that may exist.

(7) *Tentative Minor and Major Partition Plan – Appeal to the Hearings Official.*

(a) Within ten days of the date that notice of the planning director's decision is mailed, it may be

appealed to the hearings official by the applicant, a party, an adversely affected person, or a person entitled to notice under subsection (3) of this section.

(b) An appeal shall be on a city form and state specifically how the planning director failed to properly evaluate the proposal or make a decision consistent with applicable criteria.

(c) Unless the applicant and appellant agree to a longer period, the hearings official shall hold a public evidentiary hearing on an appeal within 45 days of submittal. At least 20 days before the hearing, notice thereof shall be mailed to the applicant, appellant, and persons who requested notice of the planning director's decision.

(d) Within 15 days of the hearing, unless the applicant and appellant agree to a longer period, the hearings official shall make a decision and within five days thereafter mail a notice of the decision to the applicant, appellant, and persons who have requested notification. The hearings official's decision is final.

(Section 9.030 added by Ordinance No. 16971, enacted January 28, 1974; amended by Ordinance No. 18772, enacted April 13, 1981; Ordinance No. 19197, enacted November 16, 1983, effective January 1, 1984; Ordinance No. 19328, enacted June 10, 1985; Ordinance No. 19400, enacted August 13, 1986, effective January 1, 1987; Ordinance No. 19625, enacted July 10, 1989; Ordinance No. 19770, enacted April 22, 1991, effective May 22, 1991; Ordinance No. 19946, enacted December 6, 1993, effective January 5, 1994; and Ordinance No. 20056, enacted August 5, 1996, effective September 4, 1996.)